
ENGROSSED SENATE BILL 6232

State of Washington 57th Legislature

2002 Regular Session

By Senators Rasmussen, Long, Shin, Kastama, Franklin, Winsley, Spanel, Swecker, Regala, McAuliffe and T. Sheldon

Read first time 01/14/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to possession of ammonia; amending RCW 69.55.010,
2 69.55.020, and 69.55.030; reenacting and amending RCW 9.94A.515;
3 prescribing penalties; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 69.55.010 and 2000 c 225 s 1 are each amended to read
6 as follows:

7 (1) A person who, with intent to deprive the owner or owner's
8 agent, wrongfully obtains ((anhydrous)) pressurized ammonia gas, is
9 guilty of theft of ((anhydrous)) ammonia.

10 (2) Theft of ((anhydrous)) ammonia is a class C felony.

11 **Sec. 2.** RCW 69.55.020 and 2000 c 225 s 2 are each amended to read
12 as follows:

13 A person is guilty of the crime of unlawful storage of
14 ((anhydrous)) ammonia if the person possesses ((anhydrous)),
15 transports, or delivers pressurized ammonia gas in a container that (1)
16 is not approved by the United States department of transportation to
17 hold ((anhydrous)) ammonia, or (2) was not constructed to meet state

1 and federal industrial health and safety standards for holding
2 ((anhydrous)) ammonia. Violation of this section is a class C felony.

3 This section does not apply to public employees or private
4 contractors authorized to clean up and dispose of hazardous waste or
5 toxic substances under chapter 70.105 or 70.105D RCW or to solid waste
6 haulers and their employees who unknowingly possess, transport, or
7 deliver pressurized ammonia gas during the course of the performance of
8 their duties.

9 **Sec. 3.** RCW 69.55.030 and 2000 c 225 s 3 are each amended to read
10 as follows:

11 Any damages arising out of the unlawful possession of, storage of,
12 or tampering with ((anhydrous)) pressurized ammonia gas or
13 ((anhydrous)) pressurized ammonia gas equipment shall be the sole
14 responsibility of the unlawful possessor, storer, or tamperer. In no
15 case shall liability for damages arising out of the unlawful possession
16 of, storage of, or tampering with ((anhydrous)) pressurized ammonia gas
17 or ((anhydrous)) pressurized ammonia gas equipment extend to the lawful
18 owner, installer, maintainer, designer, manufacturer, possessor, or
19 seller of the ((anhydrous)) pressurized ammonia gas or ((anhydrous))
20 pressurized ammonia gas equipment, unless such damages arise out of the
21 owner, installer, maintainer, designer, manufacturer, possessor, or
22 seller's acts or omissions that constitute negligent misconduct to
23 abide by the laws regarding ((anhydrous)) pressurized ammonia gas
24 possession and storage.

25 **Sec. 4.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
26 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
27 read as follows:

28 TABLE 2

29 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

30	XVI	Aggravated Murder 1 (RCW 10.95.020)
31	XV	Homicide by abuse (RCW 9A.32.055)
32		Malicious explosion 1 (RCW 70.74.280(1))
33		Murder 1 (RCW 9A.32.030)
34	XIV	Murder 2 (RCW 9A.32.050)

1 XIII Malicious explosion 2 (RCW 70.74.280(2))
2 Malicious placement of an explosive 1 (RCW
3 70.74.270(1))

4 XII Assault 1 (RCW 9A.36.011)
5 Assault of a Child 1 (RCW 9A.36.120)
6 Malicious placement of an imitation device
7 1 (RCW 70.74.272(1)(a))
8 Rape 1 (RCW 9A.44.040)
9 Rape of a Child 1 (RCW 9A.44.073)

10 XI Manslaughter 1 (RCW 9A.32.060)
11 Rape 2 (RCW 9A.44.050)
12 Rape of a Child 2 (RCW 9A.44.076)

13 X Child Molestation 1 (RCW 9A.44.083)
14 Indecent Liberties (with forcible
15 compulsion) (RCW 9A.44.100(1)(a))
16 Kidnapping 1 (RCW 9A.40.020)
17 Leading Organized Crime (RCW
18 9A.82.060(1)(a))
19 Malicious explosion 3 (RCW 70.74.280(3))
20 Manufacture of methamphetamine (RCW
21 69.50.401(a)(1)(ii))
22 Over 18 and deliver heroin,
23 methamphetamine, a narcotic from
24 Schedule I or II, or flunitrazepam
25 from Schedule IV to someone under 18
26 (RCW 69.50.406)
27 Sexually Violent Predator Escape (RCW
28 9A.76.115)

29 IX Assault of a Child 2 (RCW 9A.36.130)
30 Controlled Substance Homicide (RCW
31 69.50.415)
32 Explosive devices prohibited (RCW
33 70.74.180)
34 Hit and Run--Death (RCW 46.52.020(4)(a))
35 Homicide by Watercraft, by being under the
36 influence of intoxicating liquor or
37 any drug (RCW 79A.60.050)

1 Inciting Criminal Profiteering (RCW
2 9A.82.060(1)(b))
3 Malicious placement of an explosive 2 (RCW
4 70.74.270(2))
5 Over 18 and deliver narcotic from Schedule
6 III, IV, or V or a nonnarcotic, except
7 flunitrazepam or methamphetamine, from
8 Schedule I-V to someone under 18 and 3
9 years junior (RCW 69.50.406)
10 Robbery 1 (RCW 9A.56.200)
11 Sexual Exploitation (RCW 9.68A.040)
12 Vehicular Homicide, by being under the
13 influence of intoxicating liquor or
14 any drug (RCW 46.61.520)

15 VIII Arson 1 (RCW 9A.48.020)
16 Deliver or possess with intent to deliver
17 m e t h a m p h e t a m i n e (R C W
18 69.50.401(a)(1)(ii))
19 Homicide by Watercraft, by the operation of
20 any vessel in a reckless manner (RCW
21 79A.60.050)
22 Manslaughter 2 (RCW 9A.32.070)
23 Manufacture, deliver, or possess with
24 intent to deliver amphetamine (RCW
25 69.50.401(a)(1)(ii))
26 Manufacture, deliver, or possess with
27 intent to deliver heroin or cocaine
28 (RCW 69.50.401(a)(1)(i))
29 Possession of Ephedrine, Pseudoephedrine,
30 or Anhydrous Ammonia with intent to
31 manufacture methamphetamine (RCW
32 69.50.440)
33 Promoting Prostitution 1 (RCW 9A.88.070)
34 Selling for profit (controlled or
35 counterfeit) any controlled substance
36 (RCW 69.50.410)
37 Theft of ((Anhydrous)) Ammonia (RCW
38 69.55.010)

1 Vehicular Homicide, by the operation of any
2 vehicle in a reckless manner (RCW
3 46.61.520)

4 VII Burglary 1 (RCW 9A.52.020)
5 Child Molestation 2 (RCW 9A.44.086)
6 Dealing in depictions of minor engaged in
7 sexually explicit conduct (RCW
8 9.68A.050)
9 Drive-by Shooting (RCW 9A.36.045)
10 Homicide by Watercraft, by disregard for
11 the safety of others (RCW 79A.60.050)
12 Indecent Liberties (without forcible
13 compulsion) (RCW 9A.44.100(1) (b) and
14 (c))
15 Introducing Contraband 1 (RCW 9A.76.140)
16 Involving a minor in drug dealing (RCW
17 69.50.401(f))
18 Malicious placement of an explosive 3 (RCW
19 70.74.270(3))
20 Sending, bringing into state depictions of
21 minor engaged in sexually explicit
22 conduct (RCW 9.68A.060)
23 Unlawful Possession of a Firearm in the
24 first degree (RCW 9.41.040(1)(a))
25 Use of a Machine Gun in Commission of a
26 Felony (RCW 9.41.225)
27 Vehicular Homicide, by disregard for the
28 safety of others (RCW 46.61.520)

29 VI Bail Jumping with Murder 1 (RCW
30 9A.76.170(3)(a))
31 Bribery (RCW 9A.68.010)
32 Incest 1 (RCW 9A.64.020(1))
33 Intimidating a Judge (RCW 9A.72.160)
34 Intimidating a Juror/Witness (RCW
35 9A.72.110, 9A.72.130)
36 Malicious placement of an imitation device
37 2 (RCW 70.74.272(1)(b))

1 Manufacture, deliver, or possess with
2 intent to deliver narcotics from
3 Schedule I or II (except heroin or
4 cocaine) or flunitrazepam from
5 Schedule IV (RCW 69.50.401(a)(1)(i))
6 Rape of a Child 3 (RCW 9A.44.079)
7 Theft of a Firearm (RCW 9A.56.300)
8 Unlawful Storage of ((Anhydrous)) Ammonia
9 (RCW 69.55.020)

10 V Abandonment of dependent person 1 (RCW
11 9A.42.060)

12 Advancing money or property for
13 extortionate extension of credit (RCW
14 9A.82.030)

15 Bail Jumping with class A Felony (RCW
16 9A.76.170(3)(b))

17 Child Molestation 3 (RCW 9A.44.089)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Custodial Sexual Misconduct 1 (RCW
20 9A.44.160)

21 Delivery of imitation controlled substance
22 by person eighteen or over to person
23 under eighteen (RCW 69.52.030(2))

24 Domestic Violence Court Order Violation
25 (RCW 10.99.040, 10.99.050, 26.09.300,
26 26.10.220, 26.26.138, 26.50.110,
27 26.52.070, or 74.34.145)

28 Extortion 1 (RCW 9A.56.120)
29 Extortionate Extension of Credit (RCW
30 9A.82.020)

31 Extortionate Means to Collect Extensions of
32 Credit (RCW 9A.82.040)

33 Incest 2 (RCW 9A.64.020(2))
34 Kidnapping 2 (RCW 9A.40.030)
35 Perjury 1 (RCW 9A.72.020)

36 Persistent prison misbehavior (RCW
37 9.94.070)

38 Possession of a Stolen Firearm (RCW
39 9A.56.310)

1 Rape 3 (RCW 9A.44.060)
2 Rendering Criminal Assistance 1 (RCW
3 9A.76.070)
4 Sexual Misconduct with a Minor 1 (RCW
5 9A.44.093)
6 Sexually Violating Human Remains (RCW
7 9A.44.105)
8 Stalking (RCW 9A.46.110)
9 IV Arson 2 (RCW 9A.48.030)
10 Assault 2 (RCW 9A.36.021)
11 Assault by Watercraft (RCW 79A.60.060)
12 Bribing a Witness/Bribe Received by Witness
13 (RCW 9A.72.090, 9A.72.100)
14 Commercial Bribery (RCW 9A.68.060)
15 Counterfeiting (RCW 9.16.035(4))
16 Escape 1 (RCW 9A.76.110)
17 Hit and Run--Injury (RCW 46.52.020(4)(b))
18 Hit and Run with Vessel--Injury Accident
19 (RCW 79A.60.200(3))
20 Identity Theft 1 (RCW 9.35.020(2)(a))
21 Indecent Exposure to Person Under Age
22 Fourteen (subsequent sex offense) (RCW
23 9A.88.010)
24 Influencing Outcome of Sporting Event (RCW
25 9A.82.070)
26 Knowingly Trafficking in Stolen Property
27 (RCW 9A.82.050(2))
28 Malicious Harassment (RCW 9A.36.080)
29 Manufacture, deliver, or possess with
30 intent to deliver narcotics from
31 Schedule III, IV, or V or nonnarcotics
32 from Schedule I-V (except marijuana,
33 amphetamine, methamphetamines, or
34 flunitrazepam) (RCW 69.50.401(a)(1)
35 (iii) through (v))
36 Residential Burglary (RCW 9A.52.025)
37 Robbery 2 (RCW 9A.56.210)
38 Theft of Livestock 1 (RCW 9A.56.080)
39 Threats to Bomb (RCW 9.61.160)

1 Use of Proceeds of Criminal Profiteering
2 (RCW 9A.82.080 (1) and (2))
3 Vehicular Assault, by being under the
4 influence of intoxicating liquor or
5 any drug, or by the operation or
6 driving of a vehicle in a reckless
7 manner (RCW 46.61.522)
8 Willful Failure to Return from Furlough
9 (RCW 72.66.060)

10 III Abandonment of dependent person 2 (RCW
11 9A.42.070)
12 Assault 3 (RCW 9A.36.031)
13 Assault of a Child 3 (RCW 9A.36.140)
14 Bail Jumping with class B or C Felony (RCW
15 9A.76.170(3)(c))
16 Burglary 2 (RCW 9A.52.030)
17 Communication with a Minor for Immoral
18 Purposes (RCW 9.68A.090)
19 Criminal Gang Intimidation (RCW 9A.46.120)
20 Criminal Mistreatment 2 (RCW 9A.42.030)
21 Custodial Assault (RCW 9A.36.100)
22 Delivery of a material in lieu of a
23 controlled substance (RCW
24 69.50.401(c))
25 Escape 2 (RCW 9A.76.120)
26 Extortion 2 (RCW 9A.56.130)
27 Harassment (RCW 9A.46.020)
28 Intimidating a Public Servant (RCW
29 9A.76.180)
30 Introducing Contraband 2 (RCW 9A.76.150)
31 Maintaining a Dwelling or Place for
32 Controlled Substances (RCW
33 69.50.402(a)(6))
34 Malicious Injury to Railroad Property (RCW
35 81.60.070)
36 Manufacture, deliver, or possess with
37 intent to deliver marijuana (RCW
38 69.50.401(a)(1)(iii))

1 Manufacture, distribute, or possess with
2 intent to distribute an imitation
3 controlled substance (RCW
4 69.52.030(1))
5 Patronizing a Juvenile Prostitute (RCW
6 9.68A.100)
7 Perjury 2 (RCW 9A.72.030)
8 Possession of Incendiary Device (RCW
9 9.40.120)
10 Possession of Machine Gun or Short-Barreled
11 Shotgun or Rifle (RCW 9.41.190)
12 Promoting Prostitution 2 (RCW 9A.88.080)
13 Recklessly Trafficking in Stolen Property
14 (RCW 9A.82.050(1))
15 Securities Act violation (RCW 21.20.400)
16 Tampering with a Witness (RCW 9A.72.120)
17 Telephone Harassment (subsequent conviction
18 or threat of death) (RCW 9.61.230)
19 Theft of Livestock 2 (RCW 9A.56.080)
20 Unlawful Imprisonment (RCW 9A.40.040)
21 Unlawful possession of firearm in the
22 second degree (RCW 9.41.040(1)(b))
23 Unlawful Use of Building for Drug Purposes
24 (RCW 69.53.010)
25 Vehicular Assault, by the operation or
26 driving of a vehicle with disregard
27 for the safety of others (RCW
28 46.61.522)
29 Willful Failure to Return from Work Release
30 (RCW 72.65.070)
31 II Computer Trespass 1 (RCW 9A.52.110)
32 Counterfeiting (RCW 9.16.035(3))
33 Create, deliver, or possess a counterfeit
34 controlled substance (RCW
35 69.50.401(b))
36 Escape from Community Custody (RCW
37 72.09.310)
38 Health Care False Claims (RCW 48.80.030)
39 Identity Theft 2 (RCW 9.35.020(2)(b))

1 Improperly Obtaining Financial Information
2 (RCW 9.35.010)
3 Malicious Mischief 1 (RCW 9A.48.070)
4 Possession of controlled substance that is
5 either heroin or narcotics from
6 Schedule I or II or flunitrazepam from
7 Schedule IV (RCW 69.50.401(d))
8 Possession of phencyclidine (PCP) (RCW
9 69.50.401(d))
10 Possession of Stolen Property 1 (RCW
11 9A.56.150)
12 Theft 1 (RCW 9A.56.030)
13 Theft of Rental, Leased, or Lease-purchased
14 Property (valued at one thousand five
15 hundred dollars or more) (RCW
16 9A.56.096(4))
17 Trafficking in Insurance Claims (RCW
18 48.30A.015)
19 Unlawful Practice of Law (RCW 2.48.180)
20 Unlicensed Practice of a Profession or
21 Business (RCW 18.130.190(7))
22 I Attempting to Elude a Pursuing Police
23 Vehicle (RCW 46.61.024)
24 False Verification for Welfare (RCW
25 74.08.055)
26 Forged Prescription (RCW 69.41.020)
27 Forged Prescription for a Controlled
28 Substance (RCW 69.50.403)
29 Forgery (RCW 9A.60.020)
30 Malicious Mischief 2 (RCW 9A.48.080)
31 Possess Controlled Substance that is a
32 Narcotic from Schedule III, IV, or V
33 or Non-narcotic from Schedule I-V
34 (except phencyclidine or
35 flunitrazepam) (RCW 69.50.401(d))
36 Possession of Stolen Property 2 (RCW
37 9A.56.160)
38 Reckless Burning 1 (RCW 9A.48.040)

1 Taking Motor Vehicle Without Permission
2 (RCW 9A.56.070)
3 Theft 2 (RCW 9A.56.040)
4 Theft of Rental, Leased, or Lease-purchased
5 Property (valued at two hundred fifty
6 dollars or more but less than one
7 thousand five hundred dollars) (RCW
8 9A.56.096(4))
9 Unlawful Issuance of Checks or Drafts (RCW
10 9A.56.060)
11 Unlawful Use of Food Stamps (RCW 9.91.140
12 (2) and (3))
13 Vehicle Prowl 1 (RCW 9A.52.095)

14 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
15 preservation of the public peace, health, or safety, or support of the
16 state government and its existing public institutions, and takes effect
17 immediately.

--- END ---